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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,114	11/14/2000	Brian Harniman	17200-560	4946

54205 7590 10/16/2006

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EXAMINER	
DIXON, THOMAS A	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/716,114	HARNIMAN ET AL.	
	Examiner	Art Unit	
	Thomas A. Dixon	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-12,14 and 73-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9-12, 14, 73-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 8 and 13, objected to in the previous action have been cancelled.

2. The replacement drawings submitted 11/10/05 are acceptable.

3. The new title of the invention is acceptable.

4. Applicant's arguments regarding the 102 rejection have been considered and are not convincing.

Specifically, Tavor et al is seen to disclose "an acceptance" see column 9, lines 46-55, and bounceback offer further explained, see column 2, lines 55-61 and column 14, lines 5-23, as an additional product at a low cost or at no additional cost.

Further, applicant's arguments that Tavor merely presents a discount incentive is not convincing, the applicant's bounceback may be a discount and Tavor's negotiations may optionally decrease the price as negotiations continue, so at some point during the negotiations, either initially or during the course of the negotiations multiple conditional purchase offers and multiple bouncebacks may exist and also new negotiations.

Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that Tavor's bounceback may not lead to a new negotiation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5, 9-12, 73, 77, 80, 133, 137, 140 are rejected under 35 U.S.C. 102(e) as being anticipated by Travor et al (6,553,347).

As per Claims 1, 73, and 133.
Travor et al ('347) discloses :
transmitting a conditional offer to acquire a first product or service, said conditional purchase offer including a customer-specified price, see column 2, lines 9-33;
receiving an acceptance of said conditional purchase offer and a bounce back offer to acquire a second product or service with a hyperlink to a cobranded web site, see column 2, line 30-61 and column 9, line 46 – column 10, line 32;

accessing said cobranded web site to effectuate said bounceback transaction with a supplier-partner for said second product or service, see column 9, line 46-column 10, line 32.

As per claims 5, 77, 137.
Travor et al ('347) further discloses a jump page, see column 10, lines 30-32.

As per claims 9.
Travor et al ('347) further discloses a making an offer to acquire a second product or service in said cobranded website, see column 9, line 46 – column 10, line 32.

As per claims 10
Travor et al ('347) further discloses receiving an offer to acquire said second product or service in said cobranded website, see column 9, line 46 – column 10, line 32.

As per claims 11.
Travor et al ('347) further discloses either accepting or rejecting said offer or making a counter offer in said cobranded website, see column 9, line 46 – column 10, line 32.

As per claims 12
Travor et al ('347) further discloses choosing not to make an offer or accept an offer to acquire said second product or service in said cobranded website, see column 9, line 46 – column 10, line 32.

As per claims 80, 140.
Travor et al ('347) further discloses receiving, accepting or rejecting an offer to acquire said second product or service in said cobranded website, see column 9, line 46 – column 10, line 32.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-3, 74-75, 134-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travor et al (6,553,347).

As per claims 2, 74, 134.

Travor et al ('347) is not limited by type of product or service, but does not specifically disclose the second product or service is an automobile rental, hotel reservation or airline ticket.

Official notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al (5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Travor et al ('347) for the benefit of maximizing sales of products or services.

As per claims 3, 75, 135.

Travor et al ('347) is not limited by type of product or service, but does not specifically disclose the first product or service is a hotel reservation or airline ticket.

Official notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al (5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Travor et al ('347) for the benefit of maximizing sales of products or services.

8. Claims 4, 6-7, 76, 78-79, 136, 138-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travor et al (6,553,347) in view of Microsoft Office 2000 Professional Edition.

As per claims 4, 76, 136.

Travor et al ('347) does not specifically disclose the use of email containing a hyperlink to a cobranded web site.

Official notice is taken that email for communications is old and well known in the art, see assignee's reference Walker et al (5,794,207) column 9, lines 52-59 for the benefit of maximizing communication options.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to communicate with email for the benefit of maximizing communication options.

Microsoft Office 2000 Professional Edition teaches, pages 450-451 embeded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claims 6, 78, 138.

Travor et al ('347) does not specifically disclose a checkbox to defer the offer until a subsequent time.

Microsoft Office 2000 Professional Edition teaches, pages 471 and 480, a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

As per claims 7, 79, 139.

Travor et al ('347) does not specifically disclose an email containing a hyperlink.

Microsoft Office 2000 Professional Edition teaches, pages 450-451 embeded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Travor et al (6,553,347) in view of Logan et al (6,199,076).

As per claim 14.

Travor et al ('347) does not disclose inquiring as to said second product or service and receiving through an interactive voice mail feature a referral to said supplier-partner.

Logan et al ('076) teaches the equivalence of voicemail or email files, see column 3, lines 42-56 and column 6-45 for the benefit of convenience to the user.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use email or voicemail as is most convenient to the user.

Prior art made of Record

Microsoft Office 2000 Professional Edition teaches, pages 450-451 embeded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claims 6, 78, 138.

Travor et al ('347) does not specifically disclose a checkbox to defer the offer until a subsequent time.

Microsoft Office 2000 Professional Edition teaches, pages 471 and 480, a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

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As per claims 7, 79, 139.

Travor et al ('347) does not specifically disclose an email containing a hyperlink.

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As per claim 14.

Travor et al ('347) does not disclose inquiring as to said second product or service and receiving through an interactive voice mail feature a referral to said supplier-partner.

Logan et al ('076) teaches the equivalence of voicemail or email files, see column 3, lines 42-56 and column 6-45 for the benefit of convenience to the user.

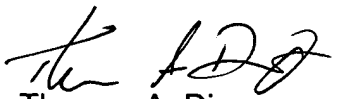
Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use email or voicemail as is most convenient to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3639

October 06